

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

CHARLES DALE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	1:12-cv-1672-TWP-TAB
	)	
MITCHELL DANIELS, et al.,	)	
	)	
Defendants.	)	

**O R D E R**

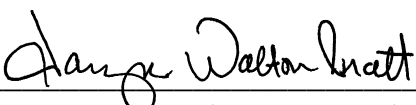
This civil rights action was dismissed on December 13, 2012, based on the court's determination that Dale's complaint failed to state a claim upon which relief could be granted. A post-judgment request for the appointment of counsel was denied. The filing of January 25, 2013, entitled "new additional evidence," was treated as a request to reinstate the action and was denied. "because nothing in the newest filing permits the plaintiff to even proceed with this case."

Another post-judgment request for reinstatement of the case was filed on February 21, 2013. Because of its timing relative to the entry of final judgment on the clerk's docket, it must be treated as a motion for relief from judgment.

In order for a Rule 60(b) movant to obtain the relief requested, he must show that he had both grounds for relief, *Fed. R. Civ. P.* 60(b)(1)-(5), and a meritorious claim or defense. *Breuer Electric Mfg. Co. v. Toronado Systems of America, Inc.*, 687 F.2d 182, 185 (7th Cir. 1982). The filing treated as a motion for relief from judgment does not show either of these circumstances. Additionally, relief from judgment under Rule 60 is warranted "only upon a showing of extraordinary circumstances that create substantial danger that the underlying judgment was unjust." *Margoles v. Johns*, 798 F.2d 1069, 1073 (7th Cir. 1986). The motion for relief from judgment does not establish or even suggest that this is the case here. That motion [Dkt. 16] is therefore **denied**.

**IT IS SO ORDERED.**

Date: 02/26/2013

  
Hon. Tanya Walton Pratt, Judge  
United States District Court  
Southern District of Indiana

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